

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**LUIS EDUARDO SAN JUAN,**

**Plaintiff,**

**v.**

**FIRST NATIONAL BANK OF OMAHA,**

**Defendant.**

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**CASE NO. 8:10CV133**

**ORDER**

This matter is before the Court on the Defendant's Motion to Strike and Exclude Testimony of Patrick J. Barrett (Filing No. 76). The Motion is supported by a Brief (Filing No. 77) and Index of Evidence (Filing No. 78). Barrett is Defendant's counsel of record in this case.

In the Plaintiff's responsive Brief (Filing No. 80), he states: "Upon further reflection, however, Plaintiff agrees that Mr. Barrett is not an essential witness for his case in chief, and will agree not to call him as a witness at trial." (*Id.* at 2). Accordingly, the Motion to Strike and Exclude Testimony of Patrick J. Barrett will be granted.

**IT IS ORDERED:**

1. Defendant's Motion to Strike and Exclude Testimony of Patrick J. Barrett (Filing No. 76) is granted;
2. The name of Patrick J. Barrett is stricken from the Plaintiff's witness list.

DATED this 25<sup>th</sup> day of April, 2012.

**BY THE COURT:**

s/Laurie Smith Camp  
Chief United States District Judge